

The State of New Hampshire

opinion

ATTORNEY GENERAL  
WARREN B. RUDMAN  
DEPUTY ATTORNEY GENERAL  
DAVID H. SOUTER  
ASSISTANT ATTORNEYS GENERAL  
THOMAS B. WINGATE  
JOSEPH A. DICLERICO, JR.  
ROBERT V. JOHNSON, II  
DONALD W. STEVER, JR.  
DAVID W. HESS  
JOHN C. BOECKELER  
THOMAS D. RATH  
ROGER G. BURLINGAME  
CHARLES G. CLEAVELAND  
EDWARD A. HAFFER  
JOHN L. AHLGREN  
GREGORY H. SMITH  
RICHARD V. WIEBUSCH



Attorney General

Concord

ATTORNEYS  
JOHN T. PAPPAS  
W. JOHN FUNK  
JOHN S. KITCHEN  
EDWARD N. DAMON  
JAMES L. KRUSE

October 14, 1975

Mr. Arthur H. Fowler  
Comptroller  
Department of Administration  
and Control  
State House Annex  
Concord, New Hampshire 03301

Dear Mr. Fowler:

This will reply to your request for our opinion with respect to the authority of the Division of Public Health to assess fees for services provided by the Program on Alcohol and Drug Abuse within that Division.

It is our opinion that the authority for such an account is specifically given in RSA 172:14 (III) which provides that:

Such money as is received by the department from a patient of the division, or on his behalf, for sale of services or things, or for any other reason, shall be placed in a special fund to be used for the purposes of this act alone. Said funds shall be in addition to the appropriations granted the division.

Moreover, RSA 172:14 (I) creates an affirmative duty on the part of the Division to recover costs of services provided from recipients thereof to the extent they are able to bear that burden. Accordingly, we conclude that the Division of Public Health has the authority to assess fees for the services outlined in the agenda item dated September 15, 1975, as appended to your request.

Sincerely,

Charles G. Cleaveland  
Assistant Attorney General